

L I C H T E N & L I S S - R I O R D A N , P . C .

ATTORNEYS AT LAW

HAROLD L. LICHTEN*
SHANNON LISS-RIORDAN*^Δ[◇]
SARAH SCHALMAN-BERGEN*[■]
MATTHEW W. THOMSON*[×]
ADELAIDE H. PAGANO*[×]

729 BOYLSTON STREET, SUITE 2000
BOSTON, MASSACHUSETTS 02116

WWW.LLRLAW.COM

THOMAS P. FOWLER*[◇]
OLENA SAVYTSKA*[×]
ANNE KRAMER*^Δ
MICHELLE CASSORLA*[×]^Δ[×]
ZACHARY RUBIN*[×][◇]^Δ
ANASTASIA DOHERTY*[×]
TARA BOGHOSIAN*[×]
MATTHEW PATTON*[×]
KRYSTEN CONNOR*^Δ[■]
BENJAMIN J. WEBER*^Δ[□] OF COUNSEL

TELEPHONE 617-994-5800
FACSIMILE 617-994-5801

* ADMITTED IN MASSACHUSETTS
Δ ADMITTED IN CALIFORNIA
◇ ADMITTED IN NEW YORK
■ ADMITTED IN PENNSYLVANIA
^ ADMITTED IN NEW JERSEY
◆ ADMITTED IN CONNECTICUT
✧ ADMITTED IN DISTRICT OF COLUMBIA
□ ADMITTED IN TENNESSEE

October 13, 2021

VIA CM/ECF

Hon. Jesse M. Furman
Thurgood Marshall United States Courthouse
40 Foley Square
Courtroom 1105
New York, NY 10007

RE: IBM Arbitration Agreement Litigation, C.A. No. 21-CV-6296 (JMF)

Dear Judge Furman:

As a brief supplement to the letter we submitted yesterday (Dkt. 33), I wanted to raise one further issue if the summary judgment documents Plaintiffs filed remain completely under seal during the pendency of our motion. As Your Honor will recall, you invited the EEOC to submit an *amicus* brief in this matter, and the EEOC indicated that it may do so. It is not clear how the EEOC could comment on the parties' arguments if it is not able to see them. Other parties as well could request to comment.

Plaintiffs therefore reiterate our request that the redacted versions of the brief (and non-confidential exhibits) be filed publicly now on the docket and that IBM be required to follow the usual procedure set forth in your individual rules to explain why the allegedly confidential materials should then remain under seal.

Sincerely,

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan

L I C H T E N & L I S S - R I O R D A N , P. C.

Attorney for Plaintiffs William Chastka, et al.

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2021, a true and accurate copy of the foregoing document was filed via this Court's CM/ECF system.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan